

111TH CONGRESS
1ST SESSION

S. 1472

AN ACT

To establish a section within the Criminal Division of the Department of Justice to enforce human rights laws, to make technical and conforming amendments to criminal and immigration laws pertaining to human rights violations, and for other purposes.

1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*

1 **SECTION 1. SHORT TITLE.**

2 This Act may be cited as the “Human Rights En-
3 forcement Act of 2009”.

4 **SEC. 2. SECTION TO ENFORCE HUMAN RIGHTS LAWS.**

5 (a) REPEAL.—Section 103(h) of the Immigration and
6 Nationality Act (8 U.S.C. 1103(h)) is repealed.

7 (b) SECTION TO ENFORCE HUMAN RIGHTS LAWS.—
8 Chapter 31 of title 28, United States Code, is amended
9 by inserting after section 509A the following:

10 **“§ 509B. Section to enforce human rights laws**

11 “(a) Not later than 90 days after the date of the en-
12 actment of the Human Rights Enforcement Act of 2009,
13 the Attorney General shall establish a section within the
14 Criminal Division of the Department of Justice with re-
15 sponsibility for the enforcement of laws against suspected
16 participants in serious human rights offenses.

17 “(b) The section established under subsection (a) is
18 authorized to—

19 “(1) take appropriate legal action against indi-
20 viduals suspected of participating in serious human
21 rights offenses; and

22 “(2) coordinate any such legal action with the
23 United States Attorney for the relevant jurisdiction.

24 “(c) The Attorney General shall, as appropriate, con-
25 sult with the Secretary of Homeland Security and the Sec-
26 retary of State.

1 “(d) In determining the appropriate legal action to
 2 take against individuals who are suspected of committing
 3 serious human rights offenses under Federal law, the sec-
 4 tion shall take into consideration the availability of crimi-
 5 nal prosecution under the laws of the United States for
 6 such offenses or in a foreign jurisdiction that is prepared
 7 to undertake a prosecution for the conduct that forms the
 8 basis for such offenses.

9 “(e) The term ‘serious human rights offenses’ in-
 10 cludes violations of Federal criminal laws relating to geno-
 11 cide, torture, war crimes, and the use or recruitment of
 12 child soldiers under sections 1091, 2340, 2340A, 2441,
 13 and 2442 of title 18, United States Code.”.

14 (c) CLERICAL AMENDMENT.—The table of sections
 15 at the beginning of chapter 31 of the title 28, United
 16 States Code, is amended by inserting after the item relat-
 17 ing to section 509A the following:

“Sec. 509B. Section to enforce human rights laws.”.

18 **SEC. 3. TECHNICAL AND CONFORMING AMENDMENTS.**

19 (a) GENOCIDE.—Section 1091 of title 18, United
 20 States Code, is amended—

21 (1) in subsection (a)—

22 (A) by striking “, in a circumstance de-
 23 scribed in subsection (d)”; and

24 (B) by striking “or attempts to do so,”;

1 (2) in subsection (c), by striking “in a cir-
2 cumstance described in subsection (d)”;

3 (3) by striking subsection (d) and (e); and

4 (4) by inserting after subsection (c) the fol-
5 lowing:

6 “(d) ATTEMPT AND CONSPIRACY.—Any person who
7 attempts or conspires to commit an offense under this sec-
8 tion shall be punished in the same manner as a person
9 who completes the offense.

10 “(e) JURISDICTION.—There is jurisdiction over the
11 offenses described in subsections (a), (c), and (d) if—

12 “(1) the offense is committed in whole or in
13 part within the United States; or

14 “(2) regardless of where the offense is com-
15 mitted, the alleged offender is—

16 “(A) a national of the United States (as
17 that term is defined in section 101 of the Immi-
18 gration and Nationality Act (8 U.S.C. 1101));

19 “(B) an alien lawfully admitted for perma-
20 nent residence in the United States (as that
21 term is defined in section 101 of the Immigra-
22 tion and Nationality Act (8 U.S.C. 1101));

23 “(C) a stateless person whose habitual res-
24 idence is in the United States; or

25 “(D) present in the United States.

1 “(f) NONAPPLICABILITY OF CERTAIN LIMITA-
 2 TIONS.—Notwithstanding section 3282, in the case of an
 3 offense under this section, an indictment may be found,
 4 or information instituted, at any time without limitation.”.

5 (b) IMMIGRATION AND NATIONALITY ACT.—Section
 6 212(a)(3)(E)(ii) of the Immigration and Nationality Act
 7 (8 U.S.C. 1182(a)(3)(E)(ii)) is amended by striking “con-
 8 duct outside the United States that would, if committed
 9 in the United States or by a United States national, be”.

10 (c) APPLICABILITY.—The amendments made by sub-
 11 sections (b), (c), and (d) of the Child Soldiers Account-
 12 ability Act of 2008 (Public Law 110–340) shall apply to
 13 offenses committed before, on, or after the date of the en-
 14 actment of the Child Soldiers Accountability Act of 2008.

15 (d) MATERIAL SUPPORT FOR GENOCIDE OR CHILD
 16 SOLDIER RECRUITMENT.—Section 2339A(a) of title 18,
 17 United States Code, is amended by—

18 (1) inserting “, 1091” after “956”; and

19 (2) striking “, or 2340A” and inserting “,
 20 2340A, or 2442”.

Passed the Senate November 21, 2009.

Attest:

Secretary.

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